Remarks

The headings in the Amendment correspond to the headings in the Office Action.

1) As requested, the first line of the specification is amended to read:

--- This application is a 371 of PCT/IB97/01634, filed 10/17/1997. ---

2) Claim 8

a) the term "substitute of the group consisting of" at the top of the second line of the claim is amended to recite standard Markush language, i.e. --- substance selected from the group consisting of ---;

b) the term "bindings" at the fourth line of the claim is amended to read --- binders ---; and

c) the terms "Surfactants" and "Flavours" at the last line of the claim is placed in the lower case.

3) In claim 9, "at least one of the group" is amended to read --- member selected from the group consisting of ---.

Indefiniteness Rejection

Claims 1-3 and 5-11 stand rejected under 35 USC 112(2) as being indefinite.

To point 1) of the Office Action:

According to the Office Action, the claimed "average particle size" values in the claims are stated to be indefinite, as the claimed values are alleged to vary with its method of measurement.

We respectfully disagree.

The size of a HAP particle is an objective value which is inherent to the HAP particle itself and does not depend on the method of measurement.

Furthermore, someone skilled in the art knows which method of measurement can be utilized to determine the size of such HAP particle of a given range of size.

Please find enclosed parts of two scientific articles, explaining the method of measurement for the claimed particle size.

The first article "Two-Dimensional Crystalline Hydroxyapatite" has been written by the inventors of the present invention: Rudin, Komarov, Melikhov, and Bozhevopnov, and by Mr. Severin who is not an inventor.

According to this article, the hydroxyapatite particles were first studied by High-resolution transmission electron microscopy (HRTEM) to obtain electron diffraction patterns. This method is used to determine the length l of the particles (Please note, that the length l as cited in the application is denoted as width l in the article). The determined distribution by length l is shown in Fig. 2 of the article.

The thickness of the HAP particles which are determined to be nanoplates with a HAP crystal lattice determined with a scanning tunneling microscope of type STM NS 100-lv. The evaluated distribution function is shown in Fig. 3.

Both are explained in detail in this article in col. 1, par. 2.

The other article "Electron diffraction from micro- and nanoparticles of hydroxyapatite" by Mrs. Suvorova and Mr Buffat describes the same method of high-resolution transmission electron microscopy (HRTEM), i.e. electron diffraction to examine the hydroxyapatite.

Summarizing, the length of the particles (in the terminology of the application) can be determined by **electron diffraction** (or electron scattering in the terminology of the Examiner) and the thickness by a tunneling microscope.

However, it is not excluded that the particle size can also be determined with other methods.

To point 2) of the Office Action:

Claim 5 is deleted and the term "ultra finely divided" is deleted from claims 6 and 7.

To point 3) of the Office Action:

We agree with the amendments of claims 6 and 8 as proposed by the Examiner.

The last line of claim 6 is amended to read --- 50% by weight, based on the weight of the stomatic composition ---.

To points 4), 5) and 6) of the Office Action:

We agree with the proposals of the Examiner.

Claim 9, second line, is changed from "the gingivitis system of the mouth cavity" to gingivitis treatment agents". The term "gigivitits system" at claim 11, line 4 is changed similarly.

Claim 9, fourth line, the open-ended term "etc." is deleted.

Claim 9, last line, "the aqueous" and "the aqueous-alcoholic" are changed to "an aqueous" and "an aqueous-alcoholic", as is done in claim 11.

A Terminal Disclaimer was submitted and paid for with our response mailed November 2, 2004.

Wherefore further consideration and allowance of the claims is hereby requested.

Respectfully submitted,

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I hereby certify this correspondence is being submitted to Commissioner for Patents, Washington, D.C. 20231 by facsimile transmission on December 9, 2004, fax number (703) 872-9306.

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